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DEFINITIONS

Unless otherwise provided, the definitions set forth below apply to all of the Privacy Policies.

Phrase	Definition
Alternate Communications	Confidential communications made to the individual at an alternate location or by alternate means.
BI Query	System program used to extract data from LARA's data warehouse.
Business Associate	A person or entity not employed by LARA that provides certain functions, activities, or services for or on behalf of the LARA, which involves the use and/or disclosure of an individual's protected health information. Such activities may include, but are not limited to, billing, re-pricing, claims processing and administration, data analysis, legal, accounting, actuarial, consulting, utilization review, quality assurance, and similar services or functions. A business associate may be a covered entity. The definition of a business associate excludes a person who is part of the covered entity's workforce. 45 C.F.R. § 160.103.
Client	A current or prior recipient of program assistance.
Compliance Date	The date by which a covered entity must comply with the Privacy Regulations - April 14, 2003.
Correctional Institution	Any penal or correctional facility, jail, reformatory, detention center, work farm, halfway house, or residential community program center operated by, or under contract to, the United States, a State, a territory, a political subdivision of

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	<p>a State or territory, or an Indian tribe, for the confinement or rehabilitation of persons charged with or convicted of a criminal offense or other persons held in lawful custody. Other persons held in lawful custody include juvenile offenders, adjudicated delinquent; aliens detained awaiting deportation, persons committed to mental institutions through the criminal justice system, witnesses, or others awaiting charges or trial. 45 C.F.R. § 164.501.</p>
Covered Component(s)	<p>A component or combination of components designated by LARA, which is a hybrid entity. The "covered care components" of LARA include the:</p> <ul style="list-style-type: none"> • Finance and Administrative Services • Michigan Administrative Hearings System; • Bureau of Health Professions • Bureau of Health Systems
Covered Entity	<p>The entities to which the Privacy Regulations apply, which include:</p> <p>(a) a health plan; (b) a health care clearinghouse; and (c) a health care provider who transmits any health information in electronic form in connection with one of the following eleven (11) transactions: (i) health care claims or equivalent encounter information; (ii) health care payment and remittance advice; (iii) coordination of benefits; (iv) health care claims status; (v) enrollment and disenrollment in a health plan; (vi) eligibility for a health plan; (vii) health plan premium payments; (viii) referral certification and authorization; (ix) first report of injury; (x) health claims attachments; and (xi) other transactions that the Secretary of DHHS may prescribe by regulation.</p> <p>45 C.F.R. § 160.103.</p>
Data Warehouse	<p>A collection of data stored within an electronic warehouse database to be used and disclosed only under the conditions as described in these policies and procedures.</p>

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Designated Record Set	<p>A group of records maintained by or for a LARA component that includes the medical and billing records about individuals or that are used, in whole or in part, by LARA to make decisions about individuals, regardless of who originally created the information. A designated record set does not include:</p> <ul style="list-style-type: none"> a) duplicate information maintained in other systems; b) data collected and maintained for research; c) data collected and maintained for peer review purposes; d) psychotherapy notes; e) information compiled in reasonable anticipation of litigation or administrative action; f) employment records; g) student records; and h) source data interpreted or summarized in the individual's medical record (example: pathology slide and diagnostic films).
Direct Treatment Relationship	<p>A treatment relationship between an individual and a health care provider that is not an indirect treatment relationship. 45 C.F.R. § 164.501.</p>
Disclose or Disclosure	<p>The release, transfer, provision of access to, or divulging in any other manner of information outside the department's covered components. 45 C.F.R. § 164.501.</p>

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ePHI	Acronym for electronically protected health information. Health related data pertaining to an individual who can be identified and is in electronic format.
FOIA	Freedom of Information Act.
Health Benefit Plans	The health benefits plans or programs offered by the state of Michigan for the benefit of its employees.
Health Care	<p>Care, services, or supplies related to the health of an individual. Health care includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> a) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body; and b) sale or dispensing of a drug, device equipment, or other item in accordance with a prescription. <p>45a C.F.R. § 160.103.</p>
Health Care Operations	<p>"Health care operations" means any of the following activities of LARA to the extent that the activities are related to covered functions:</p> <ul style="list-style-type: none"> a) Conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, provided that the obtaining of generalized knowledge is not the primary purpose of any studies resulting from such activities (however, see definition of Research - use and disclosure possibly will require IRB review and approval); population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of LARA Personnel and

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	<p>individuals with information about treatment alternatives; and related functions that do not include treatment;</p> <ul style="list-style-type: none"> b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, health plan performance, c) conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as LARA Personnel, training of non-health care professionals, accreditation, certification, licensing, or credentialing activities; d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs; e) Business planning and development, such as conducting cost management and planning-related analyses related to managing and operating LARA, including formulary development and administration, development or improvement of methods of payment or coverage policies; and f) Business management and general administrative activities of the MDCH, including, but not limited to: <ul style="list-style-type: none"> i. Management activities relating to implementation of and compliance with privacy policies; ii. Resolution of internal grievances; iii. Due diligence related to the sale, transfer, merger or consolidation of all or part of a covered entity with another covered entity; and iv. Creating de-identified health information or a limited data set, and fund raising.
Health Care Provider	A provider of services (as defined in § 1861(u) of the Social Security Act, 42 U.S.C. § 1395x(u)), a provider of medical or health services (as defined in §1861(s) of the Act, 42

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	U.S.C. § 1395x(s)), and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business. 45 C.F.R. § 160.103.
Health Information	Any information, whether oral or recorded in any form or medium, that: <ul style="list-style-type: none"> a) is created or received by a health care provider...employer...school or LARA...and b) relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual. 45 C.F.R. § 160.103.
Health Oversight Agency	An agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil rights laws for which health information is relevant. 45 C.F.R. § 164.501.
HIPAA	The Health Insurance Portability and Accountability Act of 1996, as amended.

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Human Subject	Human subject is defined as "a living individual about whom an investigator conducting research obtains data through intervention or interaction with the individual or identifiable private information. (Also see definition of 'Research'.)
Hybrid Entity	A single legal entity: <ol style="list-style-type: none"> 1) that is a covered entity; 2) whose business activities include both covered and non-covered functions; and 3) that designates covered components. 45 C.F.R. § 164.504.
Indirect Treatment Relationship	A relationship between an individual and a health care provider in which: (a) the health care provider delivers health care to the individual based on the orders of another health care provider; and (b) the health care provider typically provides services or products, or reports the diagnosis or results associated with the health care, directly to another health care provider, who provides the services or products or reports to the individual. 45 C.F.R. §164.501.
Individually Identifiable Health Information	Information that is a subset of health information, including demographic information collected from an individual, and <ol style="list-style-type: none"> 1) is created or received by a health care provider, health plan, employer, or health care clearinghouse; and 2) relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and that identifies the individual; or there is a reasonable basis to believe the information can be used to identify the individual. 45 C.F.R. § 160.503

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Inmate	A person incarcerated in or otherwise confined to a correctional institution. 45 C.F.R. § 164.501 .
Institutional Review Board (IRB)	A multidisciplinary body, consisting of LARA employees, health care professionals and community representatives, charged with the responsibility for protecting human subjects in research through initial review and on-going oversight of the conduct of human subject research that is conducted or supported by LARA or otherwise subject to regulations that require LARA review.
Law Enforcement Official	An officer or employee of any agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, who is empowered by law to: (i) investigate or conduct an official inquiry into a potential violation of law; or (ii) prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law. 45 C.F.R §164.501 .
Legal Counsel	The Department of the Attorney General.
Marketing	<p>To make a communication about a product or service that encourages recipients of the communication to purchase or use the product or services unless the communication is made:</p> <ul style="list-style-type: none"> a) To describe a health related product or service (or payment for such product or service) that is provided by LARA, including communications about: the entities participating in a health care provider network or health plan network; and health-related products or services available only to a health plan enrollee that add value to, but are not part of, a plan of benefits b) for treatment of the individual c) for case management or care coordination for the

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	individual, or to direct or recommend alternative treatments, therapies, health care providers, or settings of care to the individual.
MDCH	Michigan Department of Community Health
LARA Personnel	Employees, staff, students and other trainees, volunteers, and other persons whose conduct, in the performance of work for LARA, is under the direct control of the department, whether or not they are paid by LARA. 45 C.F.R §160.103.
Payment	Any activities by LARA to make payment for health care, or collect payment from third parties for payment made in error. Such activities relate to the individual to whom health care is provided and included, but are not limited to: billing, claims management, collection activities, and related health care data processing; and disclosure to consumer reporting agencies of any of the following protected health information relating to collection of reimbursement: (i) name and address; (ii) date of birth; (iii) social security number; (iv) payment history; (v) account number; and (vi) name and address of the health care provider. 45 C.F.R. §164.501.
Personal Representative	"Personal representative" includes, but is not limited to, an executor, administrator, successor personal representative, and special personal representative, and any other person who performs substantially the same function under the law governing that person's status.
PHI	Acronym for Protected Health Information
Privacy Officer	The person designated by the department who is responsible for the development and implementation of the HIPAA policies and procedures of LARA.

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Privacy Policies or Procedures	The set of policies and procedures drafted and adopted by LARA for the use of its covered components relating to the protection and confidentiality of protected health information.
Privacy Regulations	The regulations issued by the Department of Health and Human Services implementing the privacy requirements of the Health Insurance Portability Act of 1996, 42 C.F.R. Parts 160 and 164, that are aimed at protecting an individual's right to privacy in matters involving his or her health care.
Protected Health Information or PHI	Individually identifiable health related information that is collected by a HIPAA covered entity or component and is transmitted by or maintained in, electronic or any other form or medium. Excludes individually identifiable health information in: (a) education records covered by the Family Educational Rights and Privacy Act (FERPA); and (b) employment records held by LARA in its role as employer.
Psychotherapy Notes	Notes recorded (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the individual's medical record. Excludes medication prescription and monitoring, counseling sessions start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date. 45 C.F.R § 164.501.
Public Health Authority	An agency or authority of the United States, a State, the District of Columbia, a territory, a political subdivision of a

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	State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate. 45 C.F.R. §164.501.
Recipient	A recipient of mental health services.
Recipient's Treatment Records	The treatment documentation maintained for each recipient during the course of his/her hospitalization, consisting of any and all written information obtained or generated by facility staff. Therapy notes can be maintained separate from the treatment record.
Required by Law	A mandate contained in law that compels an entity to make a use or disclosure of protected health information and that is enforceable in a court of law. Required by law includes, but is not limited to, court orders and court-ordered warrants; subpoenas or summons issued by a court, grand jury, a governmental or tribal inspector general, or an administrative body authorized to require the production of information; a civil or an authorized investigative demand; Medicare conditions of participation with respect to health care providers participating in the program; and statutes or regulations that require the production of information, including statutes or regulations that require such information if payment is sought under a government program providing public benefits. 45 C.F.R. § 164.501.
Research	A systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalized knowledge. Or, (the definition recommended by the National Bioethics Advisory

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	Commission): "a systematic collection or analysis of data with the intent to generate new knowledge." In the case of the data warehouse, IRS review applies to research that involves the use of the department's "non-public" information to identify or contact human research subjects or prospective subjects. (Also see definition of 'Human Subject'.) 45 C.F.R § 164.501,45 C.F.R. 46.
Sanction	An official course of action that is taken or imposed in response to a noted violation or instance of non-compliance with applicable regulations, policies and procedures.
Security Officer	The person designated by LARA to be responsible for the promulgation and implementation of the Security Regulations applicable to HIPAA.
Treatment	<p>The provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party consultation between health care providers relating to an individual; or the referral of an individual for health care from one health care provider to another .</p> <p>Related Policies: Treatment includes: (a) the coordination or management of health care by a health care provider with a third party; (b) consultation between health care providers relating to a individual; or (c) the referral of an individual for health care from one care provider to another. 45 C.F.R. §164.501.</p>
Use	With respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within LARA by the covered components. 45 C.F.R. §164.501.

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Violation	Any action that is not in accordance with applicable regulations, policies and procedures.

REFERENCES

Health Insurance Portability and Accountability Act of 1996, as amended –
<http://www.hhs.gov/ocr/privacy/>